

FILED

NOV 25 2013

REVISED DATE: 09/2001

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK

FORM TO BE USED BY A STATE PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. SECTION 1983 OR BY A FEDERAL PRISONER IN FILING A BIVENS CLAIM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
DIVISION

NO. 5:13-CT-3291
(leave this space blank)

Michael Anthony Dilworth

(enter full names of each plaintiff(s))

Ed McMahon, Mr. Adams, A.R. Fales Jr, Travis
Robinson, L. Robinson

Inmate Number 356553

(enter full names of each defendant(s))

I. HAVE YOU BEGUN OTHER LAWSUITS IN FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION? YES () NO (X)

If your answer is YES, describe the former lawsuit in the space provided below:

II. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT TO THE STATE INMATE GRIEVANCE PROCEDURE? YES () NO ()

If your answer is YES:

1. What steps did you take? _____
2. What was the result? (Attach copies of grievances or other supporting documentation.) _____

VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion of administrative remedies and now submit this verified statement.

(Please choose the box that applies to your action):

_____ There are no grievance procedures at the correctional facility at which I am being confined.

This cause of action arose at _____, and I am now being housed at _____. Therefore, I do not believe I have administrative remedies relating to this complaint at this time.

X I have exhausted my administrative remedies relating to this complaint and have attached copies of grievances demonstrating completions.

III. PARTIES:

In Item "A" below, place your name in the first blank and your present address in the second blank. Do the same for additional plaintiffs, if any. NOTE: ALL PLAINTIFFS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

A. Name of Plaintiff: Michael Anthony Dilworth

Name of Present Confinement Marion Correctional Institution

Address of Present Confinement P.O. Box 2405, Marion NC 28752

In Item "B" below, place the full name of defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) through (F) for additional defendants. NOTE: ALL DEFENDANTS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

B. Defendant Ed McMahon

Position Sheriff

Employed at New Hanover County Detention Facility

Address 3950 Juvenile Center Road, Castle Hayne NC 28429

Capacity in which being sued: Individual () Official () Both (X)

C. Defendant Mr. Adams

Position Captain

Employed at New Hanover County Detention Facility

Address 3950 Juvenile Center Road, Castle HAYNE NC 28429

Capacity in which being sued: Individual () Official () Both (X)

D. Defendant

Position A. R. Fales, Jr.
 Position Lt., NHSD, Retired
 Employed at New Hanover County Detention Facility
 Address 3950 Juvenile Center Road, Castle Hayne NC 28429
 Capacity in which being sued: Individual () Official () Both (X)

E. Defendant Travis Robinson
 Position Lt.
 Employed at New Hanover County Detention Facility
 Address 3950 Juvenile Center Road, Castle Hayne NC 28429
 Capacity in which being sued: Individual () Official () Both (X)

F. Defendant L. Robinson
 Position Lt.
 Employed at New Hanover County Detention Facility
 Address 3950 Juvenile Center Road, Castle Hayne NC 28429
 Capacity in which being sued: Individual () Official () Both (X)

IV. STATEMENT OF CLAIM

State here as briefly as possible the **FACTS** of your case. Describe how **each** defendant is involved. Include also the names of the other persons involved, dates and places. **DO NOT GIVE ANY LEGAL CITATIONS OR ANY LEGAL ARGUMENTS OR CITE ANY STATUTES.** If you wish to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

1) I was brought to New Hanover County Detention Facility on 2-12-13. 2) I didn't get a 1st Appearance until 4-9-13. 3) When I requested a 1st Appearance on 4-2-13 1st Sgt. Whitmore said "When they get ready for you they will send for you." 4) Also while being detained at this facility I was attacked by another prisoner named D. Smith. 5) I had to defend myself because staff was not available. 6) Within one hour and ten minutes of the incident I was given 45 days disciplinary segregation without a hearing by Lt. R. Johnson. 7) On 7-5-13 at same facility I was attacked by officer Cookson and it was deemed a mutual physical confrontation. 8) I was placed in disciplinary segregation again for 45 days without a hearing by Cpt. Adams. 9) Both times I was placed in disciplinary segregation with psychotic prisoners. 10) They urinated out of their cells through the door, 11) they defecated on their floors and tables, 12) they spread feces on their walls, doors and door windows, 13) they beat and banged on their cell doors, tables, and beds, 14) they yelled and chanted

at the top of their lungs indefinitely causing sleep deprivation. ¹⁵⁾ When I wrote a grievance about sleep deprivation, sanitation, and pandemonium and bedlam Lt. L.C. Robinson wrote he spoke to Sgt. Gentry about this matter and marked it grievable but never did anything about it. ¹⁶⁾ I spent 85 days total under these conditions. ¹⁷⁾ When I wrote a grievance about it to Lt. Travis Robinson telling him about being housed with psychotics on 7-15-13 he stated I was assigned to disciplinary segregation and that the psychotics were also assigned to that unit. ¹⁸⁾ When I appealed these disciplinary actions Lt. Fales dismissed them. ¹⁹⁾ Sheriff Ed McMahon is over the whole jail and is responsible for everything that happens there whether he is aware of it or not. ²⁰⁾ Being under pandemonium, bedlam and stress from the chaos of the psychotic prisoners ²¹⁾ caused me mental anguish, stress, and frustration ²²⁾ when I was placed in an open dormitory setting at Caven Correctional Institution for processing on 9-6-13 ²³⁾ I was unable to cope mentally with staff and ²⁴⁾ not being able to have my privacy of a single cell ²⁴⁾ I received three infractions ²⁵⁾ after I had sought mental health assistance.

V. RELIEF SOUGHT BY PRISONER

State briefly exactly what you want the Court to do for you. MAKE NO LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.

¹⁾ In this matter I would like the court to award me damages from the defendants that are fair and appropriate under these circumstances. ²⁾ I would also like counsel to assist me with my claim.

REVISED DATE: 09/2001

Signed this ____ day of _____, 2013.

Michael Anthony Kilworth
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)

I declare under penalty of perjury that the foregoing is true and correct.

Date

Michael Anthony Kilworth
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)